

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

UNITED STATES OF AMERICA,

Plaintiff,

VS.

CASE NOS. 12-CR-165,
12-CR-262, 12-CR-263
AND 12-CR-280

MARCH 7, 2013
10:48 A.M. - 11:26 A.M.

JOSHUA MICHAEL BECKSTEAD,

Defendant.

CASPER, WYOMING

TRANSCRIPT OF HEARING ON SENTENCING
BEFORE THE HONORABLE SCOTT W. SKAVDAHL
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Government:

Stephanie Sprecher
UNITED STATES ATTORNEY'S OFFICE
P.O. Box 22211
Casper, Wyoming 82602

For the Defendant:

James H. Barrett
FEDERAL PUBLIC DEFENDER'S OFFICE
214 West Lincolnway, Suite 31-A
Cheyenne, Wyoming 82001

Reported By:

Jamie L. Hendrich, CSR-RPR-CRR
OFFICIAL FEDERAL COURT REPORTER
U.S. District Courthouse
111 South Wolcott, Room 217
Casper, Wyoming 82601

1 **(The proceedings commence at 10:48 a.m.)**

2 **THE COURT:** All right. Court is in session in the
3 matter of the United States of America versus Joshua Michael
4 Beckstead, Case Numbers 12-CR-165, 262, 263 and 280. I note
5 the presence of Mr. Beckstead and his counsel, Mr. Barrett, and
6 counsel for the United States, Ms. Sprecher.

7 The matter comes before the Court for purposes of a
8 sentencing; and before we begin that process, are there any
9 preliminary matters or issues that we need to address?

10 Ms. Sprecher?

11 **MS. SPRECHER:** No, Your Honor. Thank you.

12 **THE COURT:** Mr. Barrett?

13 **MR. BARRETT:** No, Your Honor.

14 **THE COURT:** All right. I would advise the parties
15 that the Court does not intend to deviate from the
16 advisory sentencing guideline ranges in this matter. There was
17 an issue that was addressed in an objection; but just so that
18 we focus on what needs to be, I would advise you of that at
19 this time.

20 Let us then -- Mr. Barrett, if you and your client
21 would come forward to the podium. And let me verify,
22 Mr. Barrett, that you've timely received a copy of the
23 presentence report in this matter?

24 **MR. BARRETT:** We did, Your Honor.

25 **THE COURT:** And you've had an opportunity to review it

1 with the defendant, Mr. Beckstead?

2 **MR. BARRETT:** Yes, Your Honor. It was provided to
3 Mr. Beckstead and he read it. I don't know if -- I don't think
4 we reviewed it -- reviewed it in person but we did over the
5 telephone.

6 **THE COURT:** All right. And let me verify with you,
7 Mr. Beckstead, first, you're not currently under the influence
8 of any alcohol or controlled substance?

9 **THE DEFENDANT:** No, sir.

10 **THE COURT:** You're not currently suffering from any
11 mental or physical condition that might prevent you from
12 understanding?

13 **THE DEFENDANT:** No, sir.

14 **THE COURT:** And you're not currently under the care of
15 a physician or any prescription medication?

16 **THE DEFENDANT:** Just insulin.

17 **THE COURT:** Just -- for your diabetes?

18 **THE DEFENDANT:** I'm diabetic, yeah.

19 **THE COURT:** All right. And everything is okay in
20 terms of your -- your condition today?

21 **THE DEFENDANT:** Yeah. Yes, sir.

22 **THE COURT:** All right. You had a sufficient
23 opportunity to review your presentence report?

24 **THE DEFENDANT:** Yes, sir.

25 **THE COURT:** And you've had an opportunity to discuss

1 that presentence report with your attorney, Mr. Barrett?

2 **THE DEFENDANT:** Yes.

3 **THE COURT:** And he's been able to answer all of your
4 questions?

5 **THE DEFENDANT:** Yes.

6 **THE COURT:** And you're satisfied with his
7 representation?

8 **THE DEFENDANT:** Yes.

9 **THE COURT:** I would note, for purposes of the record,
10 that there's been no information withheld from the report; and
11 I would direct that the presentence report be placed in the
12 file under seal and, if an appeal is taken, access be permitted
13 to the sealed presentence report.

14 I would also note that, in terms of objections, there
15 was an objection filed by the defendant as to any potential for
16 upward departure for lack of adequate accounting of criminal
17 history. Are you okay?

18 **THE DEFENDANT:** Yeah. I'm just -- sorry. My arms are
19 just real uncomfortable. I'm kind -- I've gained a lot of
20 weight.

21 **THE COURT:** Okay.

22 **THE DEFENDANT:** So I apologize.

23 **THE COURT:** That's all right. If -- is it too tight?

24 **THE DEFENDANT:** I'm just -- I feel just kind of
25 cramped. I'm okay. I'm just a little nervous.

1 **THE COURT:** All right.

2 **THE DEFENDANT:** I apologize.

3 **THE COURT:** If you need something adjusted, let us
4 know. Okay?

5 **THE DEFENDANT:** Okay.

6 **THE COURT:** But with respect to the plea agreement in
7 this matter, the plea had been made to each of these cases as
8 indicated for bank robbery; and pursuant to the terms of that,
9 I believe there was an agreement to dismiss certain -- Three?

10 **MS. SPRECHER:** Count Three, Your Honor.

11 **THE COURT:** -- Count Three of the charge in the
12 indictment in Case Number 12-CR-165.

13 All right. There's not a binding plea agreement in
14 this matter. With respect to any other objections, factual or
15 legal statements that you believe need to be placed on the
16 record, Mr. Barrett?

17 **MR. BARRETT:** No, Your Honor. Given the -- the
18 Court's comment -- comments when you came to the -- comments
19 when you came to the bench and -- and my review of the
20 presentence report in other respects, we have no objection to
21 calculation of offense level or criminal history category.

22 **THE COURT:** And let me also verify, Mr. Barrett, that
23 you have had the opportunity to review the calculation of
24 restitution in this matter?

25 **MR. BARRETT:** Yes, Your Honor, I have; and -- and it's

1 largely confirmed by Mr. Beckstead.

2 **THE COURT:** All right. Any objections, additions,
3 corrections or amendments that the United States believes are
4 necessary to the presentence report?

5 **MS. SPRECHER:** No, Your Honor. Thank you.

6 **THE COURT:** All right. It does not appear that the
7 Court is required to rule on any factual or legal issues
8 regarding the conclusions in the presentence report with
9 respect to the advisory sentencing guideline.

10 Based upon the presentence report in this matter, the
11 defendant's total offense level for the offense is a 23. He
12 has a criminal history category level VI which results in a
13 sentence advisory guideline sentence of 92 to 115 months,
14 supervised release period of one to three years. He is
15 ineligible for probation. A fine range would be 10,000 to
16 100,000.

17 There is a mandatory restitution requirement; and as
18 noted by the Court, that restitution -- well, it wasn't noted
19 but the restitution total that has been calculated and provided
20 to counsel is \$14,033 to the various institutions that were
21 subject to Mr. Beckstead's visits for withdrawal, and then
22 there was a special assessment of \$100 per count.

23 As to the guideline range application and those items,
24 Mr. Barrett, do you agree that is the appropriate guideline
25 provisions?

1 **MR. BARRETT:** I do, Your Honor.

2 **THE COURT:** And, Ms. Sprecher, does the United States
3 so agree?

4 **MS. SPRECHER:** I do, Your Honor.

5 **THE COURT:** All right. I would then hear from counsel
6 as to recommendations on sentencing. I would first hear from
7 the United States, and then I would hear from the defense.

8 Ms. Sprecher.

9 **MS. SPRECHER:** Thank you, Your Honor.

10 Your Honor, I've had an opportunity to speak to
11 Mr. Healy. I've also read the presentence report and come up
12 to speed on this case and Mr. Beckstead. I think it's worth
13 noting, as Mr. Olive noted, that it doesn't appear that any
14 sort of punishment imposed so far on Mr. Beckstead has had any
15 effect on rehabilitating him or deterring behavior; and for
16 that reason, we would ask that the Court sentence within the
17 guidelines that you've recommended but consider that when --
18 when implementing a sentence or imposing a sentence on
19 Mr. Beckstead.

20 Even -- I mean, even if you consider the circumstances
21 surrounding this particular -- or the particular beginning of
22 this -- of all of these -- this crime spree that he went on, he
23 was furloughed from jail at the time, and it just doesn't
24 indicate or doesn't -- it isn't promising that any amount of
25 time would be a sufficient amount of time to rehabilitate him.

1 If you look at the prior criminal history and his
2 deplorable behavior while on probation and parole, his behavior
3 in starting these offenses and just as you read through it, you
4 see that he has started out with maybe lying, maybe
5 manipulating, where it went from those types of behaviors to
6 paper crimes, and now he's graduated to bank robberies although
7 not violent, but it -- he certainly stepped it up a little bit
8 in comparison to writing hot checks which he had been doing
9 continuously for several years.

10 So I just ask the Court to consider that and consider
11 the effects that it has on the individuals as is indicated in
12 the presentence report and ask that the Court sentence as you
13 deem appropriate.

14 **THE COURT:** All right. Thank you.

15 Mr. Barrett.

16 **MR. BARRETT:** Thank you, Your Honor.

17 It's clear that Ms. Sprecher has had some superficial
18 conduct with Mr. Healy and focuses almost entirely on the
19 negative in the presentence report as opposed to the fact that
20 Mr. Beckstead, in this case, has not only attempted but has, in
21 fact, cooperated to a degree that brings credit to him and,
22 frankly, belies the -- the idea that, "Well, gee, he's going to
23 continue to commit crimes."

24 In fact, nearly from the beginning, he has indicated
25 to me -- and I'm sure will express to the Court -- that his

1 life as a convicted offender has -- in prison and otherwise,
2 has been anything but successful and anything but fulfilling.
3 He now has family that he wants to make an effort to get back
4 to. He has had gainful employment, successful employment. He
5 lost that which is what began the most recent spree and -- that
6 brings him before this Court. In fact, there are a number of
7 offenses here from Montana, Utah, Wyoming and even an offense
8 in Colorado that is not included in the Rule 20 because
9 although Colorado is going to close the case, they have no
10 interest in prosecuting, given the circumstances here.

11 These are all matters brought to the attention of the
12 United States and all of which were voluntarily offered to the
13 United States in an effort to put everything in one basket, to
14 conclude and dispose of all these offenses at one time and,
15 frankly, to save the time and the effort and the travel and the
16 unnecessary foolishness that would be involved in traveling
17 from jurisdiction to jurisdiction and causing the United States
18 no end of expense and difficulty.

19 Now, does that mean he's one of nature's noblemen who
20 is simply out there trying to return money to the
21 United States? Probably not but it certainly is evidence of
22 his state of mind at this point; it's evidence of his state of
23 mind now; and to simply ignore that, given the fact that the
24 United States itself, in the plea agreement, indicates that
25 he's eligible for consideration for substantial assistance, the

1 United States doesn't take that lightly; and I assume when they
2 say it and when Mr. Beckstead cooperated, volunteered to
3 cooperate and called them -- they didn't call him. He called
4 them and said, "Look, I'll talk to you about all of these.
5 Let's get it taken care of, and I'll -- I'll tell you about one
6 that you're aware of but you don't know who was involved." He
7 discussed other individuals that were suspected, and some he
8 cleared and others he did not. I don't know that those will
9 result in prosecutions in Wyoming but may in other
10 jurisdictions. All of those things were recognized by the
11 United States as -- as worthy of consideration certainly
12 during -- as a 5K, and I think that speaks for his turnaround.

13 So Mr. Beckstead has a colorful history, but his
14 history isn't violent. You know, it's unusual in the sense
15 that he ran out of money because of the last job and couldn't
16 find any work and decided to re- -- to revert. That's true.
17 Went on -- on these bank robberies that -- that were anything
18 but terrifying. I mean, his note is: "Give me your money,
19 question mark." It's not "I have a gun, your life is in
20 danger, give me everything," and -- and runs in high-speed
21 chases or even pretends to possess a firearm or any other
22 device.

23 He's -- his conduct during these robberies is
24 borderline larceny except for the fact that one or more of
25 these tellers may have felt intimidated, worried or frightened

1 at the time. There's no overt effort by him in any respect to,
2 in fact, intimidate or threaten anyone here. That they're
3 trained to hand over money is a -- frankly, a robber's dream,
4 but he shouldn't have done it, and he'll tell you he shouldn't
5 have done it; they were obviously wrong decisions.

6 But certainly within the context of these convictions
7 and within the context of his cooperation, within the context
8 of his cooperation in exploring and revealing all he can to
9 probation, he's evidencing not a resistance to change but
10 actually his willingness to change. Can we guarantee -- none
11 of us can guarantee that he will; only he can. I'm convinced
12 that he's going to make an honest effort to do so, and -- and I
13 hope he's successful in that regard. But he's not one of the
14 most evil or dangerous people we've ever seen. Quite the
15 opposite. As he stands here today and as I spoke to him
16 earlier, he's extremely nervous. He's just not one of your
17 big-time bank robbers.

18 His forgeries, such as they were, are non-violent and
19 isolated in this instance. He doesn't threaten anyone.
20 There's -- there are thefts. Are those good things to do? No.
21 Are they the worst things he could have -- are -- are they as
22 bad as he might have done or that we've seen done? No. So to
23 try and place him in a category that seems to put him in the
24 high end of offenders simply isn't supported by the facts
25 except in the most general -- general way.

1 And so I -- I encourage Your Honor to enter a sentence
2 at the low end of this guideline, if not below, taking into
3 consideration all of those factors that I've mentioned; and
4 I -- I've -- I have a hard time considering Mr. Beckstead --
5 and I've had a lot of contact with folks -- to be one of the
6 most dangerous critters I've ever run into. It's just not the
7 case. Should he be incarcerated? Absolutely. Is he going to
8 be? Absolutely. Does he need to be maximized? Absolutely
9 not.

10 And I do believe -- he'll speak to you, Your Honor,
11 but I do believe he has the potential -- he's a guy with some
12 talent. If he can find a job, he tends to stick with it until
13 he's let go. If he can't find them again, that's where the
14 danger -- and I speak of danger -- when I say "danger," that's
15 where the risk for him lies; that he makes poor judgments in an
16 effort to obtain income or monies.

17 The changes -- the statement has been made that he
18 just doesn't seem to get it, you know; no -- no matter how long
19 he commits these offenses, non-violent as they are, that he
20 keeps committing them. Well, if there's anything difficult to
21 predict, it's -- it's the future and particularly future
22 behavior, but I can tell you that Mr. Beckstead is very tired
23 of being in prison, very tired of being stupid and wants to get
24 what's left of the rest of his life squared away.

25 Thank you, Your Honor.

1 **THE COURT:** Thank you, Mr. Barrett.

2 Mr. Beckstead, you're entitled to speak in allocution
3 of any sentence, and I would hear from you at this time.

4 **THE DEFENDANT:** Well, I really don't know what to say,
5 Your Honor, to be honest with you. I'm not a bad guy. I do
6 seem to always wind up taking that route, you know. I --
7 during all this right here, I really -- somehow my brain was
8 able to convince myself I wasn't doing nothing wrong 'cause I
9 was just out fishing; and, you know, I -- I never realized that
10 I affected anybody at all until I read my presentence report.
11 I always thought that, you know, these people's job -- it's
12 their job. They're trained to do that, you know, just give you
13 the money; and I read in my PSI the one lady's comment, you
14 know, that it really messed with her, and that was never my
15 intention. I'll tell you that much right now. I -- I'm about
16 the least violent fellow you ever met in your life, you know.
17 I don't -- I wasn't never trying to put anybody -- make them
18 feel that way.

19 So that's pretty much all I got to say. I just -- I
20 got a family. I already got little kids. I got two daughters.
21 I got a dad that's almost 70 years old, 63 years old anyways.
22 You know, that's pretty much all I got. I -- my mind's a
23 little bit out of it right now. So . . .

24 **MR. BARRETT:** Your Honor, one matter I might also
25 mention is that Mr. Beckstead has \$14,000 in restitution ahead

1 of him, and so I believe it should also be a measure of the --
2 of his term of imprisonment that, frankly, ideally, he'd be
3 able to go out today, find a job and begin restoring these
4 victims to -- to their earlier condition, and that's not going
5 to happen, and we don't expect it to happen. But increasing a
6 sentence simply for the sake of increasing it also delays
7 restitution and, frankly, increases -- well, when Mr. Beckstead
8 is released, being a convicted felon is difficult enough to
9 find work. If you're released and you're age 50 or pushing 60
10 or whatever that might be, it's even more difficult. You have
11 age combined with status combined with the delay in restitution
12 although I'm sure all of these were insured. Yet he
13 nevertheless has an obligation that he needs to get busy on as
14 early as possible. So I think that's a legitimate
15 consideration in imposing a sentence at this -- in this case at
16 or at just below the low end of this range. Thank you.

17 **THE COURT:** Thank you, Mr. Barrett.

18 Anything else you wish to add, Mr. Beckstead?

19 **THE DEFENDANT:** No -- well, I did go to -- graduated
20 from some college courses, auto mechanics; and just prior to
21 all this, you know, I had a great job. I was making 23.74 an
22 hour working for Midas International. That's in my PSI also.
23 I just wanted that to be verified, you know. My boss even said
24 in there that I was a pretty good employee. I -- says I had
25 some attendance issues and that's 'cause I had a puppy at home.

1 I had to take off every day, go let my puppy out, and I lived
2 just outside of town. So it took me a little while to get
3 there and back, you know, but my attend- -- my employment --
4 I've al- -- I've been gainfully employed every time I -- if I'm
5 on the streets, I'm gainfully employed always. I have always
6 been. It just seems like I fall into them -- hanging out with
7 the wrong people or the wrong people are hanging out with me,
8 one or the other, and I wind up, you know, in trouble somehow,
9 some way; and like I said, my mind is a little addled right
10 now. I apologize.

11 **THE COURT:** Well, Mr. Beckstead, I -- I have no
12 question that you're a gentleman criminal.

13 **THE DEFENDANT:** Thank you, Your Honor.

14 **THE COURT:** I mean, the state trooper in Utah said,
15 "Well, I won't have you arrested so long as you just have a
16 personal use amount." Obviously he knew you on-site. Various
17 law enforcement individuals in the presentence report were
18 familiar with you. Everybody -- everybody agrees you're a nice
19 guy.

20 **THE DEFENDANT:** Just a criminal.

21 **THE COURT:** You're a nice crook. The -- the Midas
22 job -- I suspect, in addition to the puppy, there was probably
23 some "substance abuse" issues that might have --

24 **THE DEFENDANT:** Lots.

25 **THE COURT:** -- caused the problems.

1 **THE DEFENDANT:** Yeah, lots.

2 **THE COURT:** Lots of methamphetamine, lots of
3 marijuana. Alcohol was also there a little bit, you know.

4 **THE DEFENDANT:** I've been a drug addict since I was
5 13. I didn't mean to interrupt you. I apologize.

6 **THE COURT:** Well, it's obviously and painfully clear.
7 And your fishing -- I don't know what impact it has, but when
8 you're four years old, your dad was supposed to take you
9 fishing, and he didn't show up, and so your mom let you fish in
10 the gutter. I think there was a picture taken of it, and you
11 were on the front page of the paper, fishing in the gutter.

12 **THE DEFENDANT:** Yes, sir.

13 **THE COURT:** I suspect fishing is your happy spot.
14 That's -- you just -- you're able to forget everything and --
15 and not be paying attention to things. But, Mr. Beckstead,
16 looking at your background, since you've been a juvenile, 13,
17 you started "substance abuse" issues. You've got Nissa who's
18 eight years old, doesn't even live with her mom 'cause her mom
19 is in prison. You've got Riley who's five and lives with her
20 maternal grandmother. You want to be a father. You're, I
21 think, if I recall, \$12,000 in arrears on child support.

22 **THE DEFENDANT:** How I don't know, but, yes.

23 **THE COURT:** Well, the bottom line is -- is,
24 Mr. Beckstead, you had the opportunity -- people have given you
25 the opportunity, and you have flushed it down the drain.

1 You -- you know exactly how to minimize your -- your situation.
2 When you're caught, you give up the goods. You're even a very
3 efficient bank robber to the extent that you don't get any
4 enhancements because you have a note that doesn't say "I have a
5 firearm or a weapon." You know that they'll give up the money
6 as long as you say "give me the money," but the reason they
7 give you the money is 'cause they don't know whether you do or
8 don't.

9 **THE DEFENDANT:** Yeah.

10 **THE COURT:** As this poor lady from -- from Montana
11 noted, "Before the robbery, someone reaching into their pocket
12 was just grabbing a check or cash. Now, it could be a stupid
13 note telling me to empty my drawer, a note, a note that makes
14 me so angry that he bullied me with a note, and he got my money
15 from a note. I didn't know if he had a weapon, but I sure the
16 hell wasn't going to find out. It's weird but I really felt
17 bullied, like I was just a nothing standing in front of me.
18 How could he just come in and take something that wasn't his?"

19 And I'm sure you were kind about it, but the bottom
20 line is that you took what wasn't yours; and you have, for
21 various reasons, substance abuse and otherwise, throughout your
22 life since 13 -- have taken wasn't -- what wasn't yours through
23 use of checks or other fraud, trucks, you name it, and you're
24 nice about it but you just do it. And I -- I have to --
25 looking at this in terms of where I fall on the sentencing --

1 advisory sentencing guideline range -- and it is advisory and I
2 acknowledge that -- but in terms of looking at this, I -- I
3 don't see a low-end guideline sentence. I don't think that
4 that accurately reflects -- and I think the United States'
5 assertion is -- is valid in the sense that Mr. Beckstead has
6 continued to choose the path of least resistance in criminal
7 conduct.

8 Do I think that he's not capable of making good
9 choices? No. I think he is if he's not on methamphetamine and
10 if he understands that, you know, there's jail and there's the
11 right thing; and if he wants to quit choosing jail and do the
12 right thing, then maybe he can be a father to his five- and
13 eight-year-old girls who, heaven forbid, probably have meth
14 addicts for moms, too.

15 In the end, looking at this matter, the Court --
16 pursuant to the Sentencing Reform Act of 1984 and considering
17 those factors enumerated under Title 18, United States Code,
18 Section 3553(a), it is the judgment and sentence of this Court
19 that the defendant, Joshua Michael Beckstead, is hereby
20 sentenced to a term of 112 months on each count to be served
21 concurrently on Counts One and Two of 12-CR-00165-01S,
22 Count One of 12-CR-00262-01S, Count One of 12-CR-00263-01S and
23 Count One of 12-CR-00280-01S, in the custody of the Bureau of
24 Prisons. I believe that the acceptance -- he certainly has
25 accepted responsibility, and I believe he's received

1 three-level -- well, he has -- I don't "believe." He has
2 received the "acceptance of responsibility" credit.

3 His -- I don't max him out under the guidelines at the
4 top of the range because I don't think that the particular
5 crimes were extremely aggravating; but his history, along
6 with -- with his prior conduct and considering all facts and
7 circumstances, I believe merit the 112-month sentence in the
8 range.

9 Upon release from imprisonment, Mr. Beckstead shall be
10 placed on supervised release for a term of three years on each
11 count to be served concurrently. Within 72 hours of his
12 release from the custody of the Bureau of Prisons, he shall
13 report in person to the probation office in the district to
14 which he is released. While on supervised release,
15 Mr. Beckstead shall comply with the mandatory and standard
16 conditions adopted by this Court and shall comply with the
17 following special conditions:

18 One: He shall participate in and successfully
19 complete substance abuse treatment in a program approved by the
20 U.S. Probation Officer and abide by the rules, requirements and
21 conditions of the treatment program. Mr. Beckstead shall not
22 discontinue that treatment without the prior permission of his
23 probation officer.

24 Number 2: Mr. Beckstead shall submit to drug and
25 alcohol testing as directed by the U.S. Probation Officer and

1 shall comply with specific co-pays imposed pursuant to district
2 policy for failing to comply with drug testing.

3 Number 3: As a component of Mr. Beckstead's treatment
4 and testing program, he shall pay a one-time fee of \$250 to
5 partially defray the cost of treatment -- excuse me -- and/or
6 drug testing. Monetary payments made by the defendant shall be
7 applied to this fee only after all other court-ordered monetary
8 obligations have been fulfilled. Payment of the fees shall be
9 made, by money order or cashier's check, to the Clerk of
10 District Court, 2120 Capitol Avenue in Cheyenne, Wyoming. This
11 condition is waived if he is supervised by any district other
12 than Wyoming.

13 Number 4: Mr. Beckstead shall refrain from any use or
14 possession of alcohol and/or other intoxicants, including
15 over-the-counter medications used contrary to the recommended
16 dosage or the intentional inhalation of any substance,
17 prescribed or otherwise, without the permission of the
18 probation officer. Additionally, Mr. Beckstead shall not enter
19 establishments whose primary income is derived from the sale of
20 alcohol.

21 Number 5: Mr. Beckstead shall submit his person,
22 residence, storage facility, office, vehicle -- or vehicle to a
23 search conducted by a U.S. Probation Officer at a reasonable
24 time and in a reasonable manner upon reasonable suspicion of
25 contraband or evidence of a violation of a condition. Failure

1 to submit to a search may be grounds for revocation.

2 Mr. Beckstead shall warn any other residents that the premises
3 may be subject to searches pursuant to this condition.

4 Six: Mr. Beckstead shall participate in a cognitive
5 behavioral treatment regimen that may include but is not
6 limited to moral recognition therapy, cognitive thinking,
7 thinking for a change or interactive journaling. Mr. Beckstead
8 shall actively participate in treatment until successfully
9 discharged or until the U.S. Probation Officer has excused
10 Mr. Beckstead from the treatment regimen.

11 Number 7: Mr. Beckstead shall resolve any outstanding
12 warrants within six months of his release from custody.

13 The Court finds that restitution is mandatory in this
14 matter and orders total restitution in the amount of \$14,033,
15 including \$6,186 for Docket Number 12-CR-165 which -- well, let
16 me break it out this way. Restitution shall be paid to the
17 following individuals in the cases cited in this matter:

18 Wasatch -- Wasatch Peaks Credit Union in the amount of
19 \$991; payments should be made to the attention of the manager,
20 P.O. Box 68, Ogden, Utah, 84402; restitution in the amount of
21 \$3,789 shall be paid to First American Bank of Purcell,
22 Oklahoma, to the attention of the manager, P.O. Box 1560,
23 Purcell, Oklahoma, 73080; restitution in the amount of \$2,836
24 should be paid to American National Bank of Cheyenne, Wyoming,
25 to the attention of the manager, 6020 Yellowstone Road,

1 Cheyenne, Wyoming, 82009; restitution in the amount of \$3,350
2 should be paid to First Bank of Wyoming, attention of the
3 manager, P.O. Box 907, Powell, Wyoming, 82435; and restitution
4 in the amount of \$3,067 shall be paid to Atlanta Federal Credit
5 Union; Billings, Montana, to the attention of Rhonda
6 Diefenderfer, D-I-E-F-E-N-D-E-R-F-E-R, 3212 Central Avenue;
7 Billings, Montana, 59102.

8 The case number for the 999 -- for the 991-dollar
9 matter is 12-CR-262. The case number for the \$3,789-dollar is
10 Case 12 -- I'm sorry -- 12-CR-280. And I goofed up on the 991.
11 That should be 12-CR-00263. And the case number for the 3,067
12 is 12-CR-00262; and the case number for the remaining amounts,
13 which are the two Wyoming banks, American National Bank of
14 Cheyenne and First Bank of Wyoming, is a total amount of
15 \$6,186.

16 It is further ordered that defendant does not have the
17 ability to pay a fine in addition to the restitution, and
18 therefore no fine is imposed. It is ordered that Mr. Beckstead
19 shall pay a special assessment fee in the amount of \$100 per
20 count for a total of \$500 which shall be due immediately.
21 Payments for monetary obligations shall be made payable, by
22 cashier's check or money order, to the Clerk of the U.S.
23 District Court, 2120 Capitol Avenue, Room 2131, Cheyenne,
24 Wyoming, 82001. Mr. Beckstead shall participate in the Inmate
25 Financial Responsibility Program to pay his monetary

1 obligations. Mr. Beckstead shall pay all financial obligations
2 immediately. Any amounts not paid immediately or through the
3 Inmate Financial Responsibility Program shall be paid
4 commencing 60 days following his release from confinement in
5 monthly payments of not less than \$25 or 10 percent of his
6 gross monthly income, whichever is greater. All monetary
7 payments shall be satisfied not less than 60 days prior to the
8 expiration of his term of supervised release.

9 The Court recommends that he be placed in a facility
10 in Oregon and strongly recommends that he participate in the
11 Residential Drug Abuse Program.

12 Mr. Beckstead has not waived his right to appeal as a
13 condition of his plea agreement. He has 14 days from the date
14 of the entry of judgment to file a notice of appeal in this
15 matter.

16 If you fail to file that notice of appeal within 14
17 days from the date this Court enters the judgment and sentence,
18 you will forever waive your right to appeal the sentence as
19 imposed by this Court. Do you understand that, Mr. Beckstead?
20 I need to have you audibly answer.

21 **THE DEFENDANT:** Yes, sir. I apologize.

22 **THE COURT:** Any objections to the sentence as
23 pronounced by the Court, Mr. Barrett?

24 **MR. BARRETT:** Not as calculated, Your Honor.

25 **THE COURT:** Ms. Sprecher?

1 **MS. SPRECHER:** No, Your Honor. May I take the time to
2 dismiss Count Three in 0165 right now, please?

3 **THE COURT:** I would absent -- Mr. Barrett, do you have
4 any objection?

5 **MR. BARRETT:** No objection, Your Honor.

6 **THE COURT:** All right. Those counts will be dismissed
7 as requested by the United States, and I would direct that the
8 sentence be imposed as stated, and I would remand custody of
9 Mr. Beckstead to the United States Marshal for the District of
10 Wyoming for placement with the Attorney General and service of
11 the sentence as imposed.

12 One -- one last thing, Mr. Beckstead.

13 And it was in your discussion of Mr. Beckstead's
14 demeanor.

15 You went out on a furlough for a dental appointment
16 and never came back. One of the problems that I have with
17 accepting a low-end sentencing in the range is -- is that,
18 Mr. Beckstead, you've represented a lot of things to a lot of
19 people that you're going to do the right thing. You can do
20 that here or you can continue the same path that you've been
21 on. I leave it up to you, but that's one of the reasons why
22 this Court, frankly, finds that a higher end sentence is
23 necessary.

24 So I wish you the best of luck, and I hope you take
25 advantage of the RDAP program and anything else you can to find

1 a way to kick your "substance abuse" issues, kick your criminal
2 activities and be a father to your two daughters. Good luck.

3 We'll stand in recess.

4 **THE CLERK:** All rise. Court is now in recess.

5 **(The proceedings conclude at 11:26 a.m.)**

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REPORTER CERTIFICATE

I, JAMIE L. HENDRICH, retired Official Federal Court Reporter in the United States District Court for the District of Wyoming, certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

____10/24/17____
Date

____/s/_____
JAMIE L. HENDRICH, CSR-CRR
Retired Official Federal Court Reporter